REMARKS

In response to the Final Office Action mailed on November 15, 2007 (for which the period for response has been extended by three months to May 15, 2008), we hereby request continued examination under 37 C.F.R. § 1.114. Numerous claims have been amended, claims 18-31 have been cancelled without prejudice or disclaimer, and new claims 56-76 have been added. After entry of the amendments, claims 1-17 and 32-77 (6 independent claims; 63 total claims) are pending in the application. No new matter is added and support for the amendments and new claims can be found in the Specification as originally filed.[1]

An Information Disclosure Statement accompanies this submittal. Many of the references provided with the IDS were submitted by a third party along with two Requests for Ex Parte Re-examination relating to U.S. Patents 6,973,622 and 6,625,454, which are commonly assigned to the present application and which have similar inventorship. The Examiner is respectfully requested to consider the cited references in prosecuting this application.

Section 101 Rejections

Claims 13-17 and 25-29 stand rejected under 35 U.S.C. § 101. Claim 13 has been amended to recite the "electronic storage" previously found in claim 11, and claim 25 has been cancelled without prejudice or disclaimer. We respectfully request reconsideration of the rejections.

Section 112 Rejections

Claims 1-10 and 12-31 are rejected under 35 U.S.C. § 112, first paragraph, alleging that the Specification does not describe "a communications network analysis system comprising a computer". In response, we respectfully note that it would be abundantly clear to a person skilled in the art that the various systems described in the Specification and claims could be implemented with a computer. The word "computer" appears more than fifty times in our application, often in the context of "computer aided design" or "real-time analysis", which clearly connote that the claimed system could be implemented with a computer. The Specification makes repeated reference to "software" and other

[1] Support for the amendment to claim 11 may be found, for example, at paragraph 0136. Support for the language found of claims 56 and 71 may be found, for example, in paragraphs 0136 and 0144-0145, as well as in the originally-filed claims and the rest of the Specification.

elements that clearly describe implementation within a computer. FIG. 20, for example, is described (at paragraph 0036) as presenting "a computer display". At the very least, claims 1 and 18 as originally filed expressly recite a "computerized model"; it would be well within the grasp of a person skilled in the art to implement the "computerized model" on a computer.

Further, paragraph 0038 of our Specification, which is excerpted below, specifically discloses that an embodiment of the invention may be used in the SitePlanner suite of products. As evidenced from the SitePlanner manual that is being submitted with the IDS that accompanies this Response, Siteplanner is clearly a set of Windows OS programs for running on a personal computer.

> DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT OF THE INVENTION
>
> Design of Wireless Communication Systems
>
> [**0038**] Using the present method, it is now possible to assess the RF environment in a systematic, organized fashion by quickly viewing signal strength, or interference levels, or other wireless system performance measures. The current embodiment is designed specifically for use with the SitePlanner™ suite of products available from Wireless Valley Communications, Inc. of Blacksburg, Va. However, it will be apparent to one skilled in the art that the method could be practiced with other products either now known or to be developed in the future. (SitePlanner is a trademark of Wireless Valley Communications, Inc.)

Even further, the various documents that are incorporated by reference into our specification provide additional support for the use of a "computer". Paragraph 0044 of our Specification (found on page 11 of the Specification as originally filed), for example, reads as follows:

> [**0044**] The mathematical propagation models used to predict and optimize antenna positioning in a desired environment may include a number of predictive techniques models, such as those described in the previously cited and following technical reports and papers: "Interactive Coverage Region and System Design Simulation for Wireless Communication Systems in Multi-floored Indoor Environments, SMT *Plus*," *IEEE ICUPC '96 Proceedings*, by R. R. Skidmore, T. S. Rappaport, and L. Abbott which is hereby incorporated by reference. Some simple models are also briefly described in "SitePlanner 3.16 for Windows 95/98/NT User's Manual" (Wireless Valley Communications, Inc. 1999), hereby incorporated by reference. It would be apparent to one skilled in the art how to apply other system performance models to this method.

Note that at least the "SitePlanner 3.16 for Windows 95/98/NT User's Manual" plainly discloses the use of a computer to run various computerized models. In particular, the SitePlanner manual includes a clear description of a computer with a processor, memory, hard disk storage and the like. Page 4 of the SitePlanner Manual submitted with the IDS accompanying this Response, for example, discloses a computer with a processor and memory as follows: [2]

> *1.2 Hardware Requirements for SitePlanner*
>
> **To run the *SitePlanner* tool suite, the following computer platform is needed:**
>
> - **A Pentium Personal Computer (PC) with a clock speed of 250 MHz or faster with a CD ROM**
> - **64 Megabytes of RAM**
> - **Windows95, Windows98, or Windows NT Operating System**

Our Specification (including the documents incorporated by reference) therefore clearly discloses the use of a "computer" in terms that are well within the grasp of a person skilled in the art. Reconsideration of the rejection is requested.

Claims 18-31 have been cancelled without prejudice or disclaimer, so the rejections of those claims are believed to be moot.

Claims 1-55 are rejected under 35 U.S.C. § 112, second paragraph. We have corrected the typographical errors identified by the Examiner in claims 1 and 55, and we have addressed the remaining rejections in the above amendments.

We therefore request reconsideration of all of the Section 112 rejections contained in the Final Office Action.

Prior Art Rejections

We acknowledge with thanks that the previous rejections under Section 102 have been removed.

The Final Office Action continues to reject claims 1-55 under 35 U.S.C. § 103, citing the combination of IEEE Article "WISE Design of Indoor Wireless Systems" ("Fortune") and article "Rendering Tcl/TK Windows as HTML" ("Hansen"). We

[2] Version 3.0 of the SitePlanner User's Manual is being submitted in the IDS that accompanies this submittal. Version 3.16 of the SitePlanner manual, which is incorporated by reference into our Specification, contains similar disclosure.

respectfully traverse the rejections in that the Hansen reference is not prior art to the present application. Hansen is therefore not properly citable against the present claims.

In particular, the present application is a divisional of Application Serial No. 10/606,115, which is itself a continuation of Application Serial No. 09/633,133 (now US Patent No. 6,504,782), which was filed on August 4, 2000. This application is therefore entitled to a priority date at least as early as August 4, 2000.

The Hansen reference, on the other hand, exhibits a publication date of February 2003.[3] Our application is therefore entitled to a priority date several years prior to the publication data of the cited reference. As a result, the Hansen reference is not properly citable against our application because it is not prior art. We therefore respectfully request reconsideration of the prior art rejections, all of which cite to Hansen.

With regard to the primary reference ("Fortune"), we respectfully note that numerous differences exist between the reference and the elements of our claims. The Examiner has correctly noted that the Fortune reference fails to disclose or suggest at least the "standard markup language" aspects of our various claims; there are numerous other distinctions as well. At the very least, the Fortune document does not describe a "*parts list library comprising information pertaining to a plurality of components which are used in said communications network and at least some of said information including frequency characteristics of particular components*", as recited in claim 1 and elsewhere.

The Office Action alleges that the "frequency characteristics" recited in our prior claims are described in the "User Interface" section on page 65 of the Fortune reference. We have reviewed this section carefully, yet we have not identified even a single mention of "frequency". Indeed, the sole mention of "frequency" in the entire Fortune reference is contained at page 60, which states as follows:

> • *Base-station optimization:* An optimization algorithm determines, for given choices of parameters like transmitter frequency and power, receiver sensitivity, and signal-to-noise ratios, a near-optimum placement of a specified number of base stations to satisfy requirements on minimum signal strength

[3] The Hansen publication was apparently revised and re-published on March 5, 2003, and this later revision is most readily available. Even considering the earliest date suggested by the Hansen reference, however, this date still several years after our priority date.

This brief mention of transmitter frequency, however, does not meet the language of our claims, which recite a "parts list library" that contains "frequency characteristics of particular components", e.g., the description of the part includes the frequency range of operation or has a description that corresponds to a frequency range of operation. Claim 11 further recites that the information stored in the parts list library includes frequency-dependent parameters comprising electrical properties of the particular component corresponding to operation at two or more distinct frequencies. Such a component could run, for example, in the cellular frequency band around 1900 MHz or the cellular frequency band around 800 MHz. Clearly this feature is not anticipated or suggested by the Fortune reference, or any other reference of record.

To reiterate, the prior art rejections contained in the Final Office Action cannot be sustained. Because the Hansen reference is not prior art to our application, it cannot be cited against our claims. Moreover, the Fortune reference fails to describe or suggest the aspects of our claims for which it is cited. We therefore respectfully request reconsideration of the Section 103 rejections of our claims.

Should the Examiner have any questions or wish to further discuss this application, the undersigned would welcome a telephone call at 480.385.5060.

No official fee is believed to be due in connection with this Response, other than the fees for the three month extension of time and additional claims that are addressed elsewhere in this submittal. If, however, any additional time extension or fee is required to consider this response or to otherwise prevent abandonment of this application, please consider this as a request for an extension of time and as authorization to charge Deposit Account No. 50-2091 for any fee that may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ, P.C.

Dated: May 15, 2008

/BRETT A. CARLSON /

Brett A. Carlson
Reg. No. 39928
(480) 385-5060

Customer No. 29906